

Court of Appeals, State of Michigan

ORDER

Star International Academy v Detroit World Outreach Church

Docket No. 267307

LC No. 04-404969-CZ

Brian K. Zahra
Presiding Judge

Michael J. Talbot

Kirsten Frank Kelly
Judges

The Court orders, pursuant to MCR 7.205(D)(2), that the October 2, 2005, order of the Wayne Circuit Court granting partial summary disposition to plaintiff hereby is VACATED. The record before this Court reflects a genuine issue of material fact as to whether, even had plaintiff timely appealed the assessment in March of 2003, the city would have granted tax exempt status given the building's use on December 31, 2002, the initial assessment date, and in March of 2003, during the tax appeal period. Where a genuine issue of material fact exists, summary disposition is inappropriate. *Maiden v Rozwood*, 461 Mich 109, 119-120; 597 NW2d 817 (1999). The case is REMANDED to the circuit court for further proceedings consistent with this order.

This order is to have immediate effect, MCR 7.215(F)(2).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 23 2006

Date

Sandra Schultz Mengel
Chief Clerk